



State of Arizona

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Governor Jan Brewer: High Court's Decision in Domestic Partners Lawsuit Breaches State Authority

PHOENIX – Governor Jan Brewer today expressed disappointment at the U.S. Supreme Court's decision to deny certiorari in the case regarding Arizona's domestic-partner benefits program for State employees.

Background

Arizona law regarding this issue had remained unchanged until 2008, when then-Governor Janet Napolitano implemented a rule change to expand the definition of "eligible dependent" to include domestic partners.

When Governor Brewer took office in 2009, she inherited a multibillion-dollar budget deficit deemed one of the nation's worst. As part of a package of cost-cutting moves, Governor Brewer and the Arizona Legislature eliminated benefits for domestic partners of all state employees, regardless of sexual orientation.

In 2010, despite its fair and equal application, the statute – as applied to same-sex domestic partners only – was enjoined by the U.S. District Court. The 9th Circuit Court of Appeals later upheld the lower court's decision on similar grounds. In July 2012, the State of Arizona petitioned the U.S. Supreme Court to review and dissolve the preliminary injunction.

Statement from Governor Brewer

"With its decision today, the Supreme Court has not only upheld the preliminary injunction of an economically-prudent, practical state law. It has also undercut the ability of duly-elected State officials to make decisions critical to managing the State budget.

"The decision to terminate domestic partner benefits was made solely out of financial need. When I took the state's reins in 2009, the Arizona economy was in disarray. Fiscally unsound, ill-advised decisions had helped contribute to one of the worst budget crises in the country.

"In terminating domestic-partner benefits for State employees of every sexual orientation, the action I took with the Legislature was driven by financial necessity rather than a social agenda. This was a common sense step to get a grasp on Arizona's tattered State finances.

“This case has never been about domestic partners, same-sex or otherwise. It is always been about the authority of elected State officials to make decisions with which we have been entrusted by the voters. I’m disappointed the High Court has eroded that authority with its decision today.”

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